

CITY OF HORSESHOE BAY

ORDINANCE NO. ORD-05-12-20

**ESTABLISHING A PROCEDURE FOR APPROVAL OF PLATS WITHIN THE
BOUNDARIES OF THE CITY OF HORSESHOE BAY, LLANO COUNTY**

**AN ORDINANCE OF THE CITY OF HORSESHOE BAY ESTABLISHING A
PROCEDURE FOR THE APPROVAL OF PLATS FOR TRACTS OF REAL
PROPERTY LOCATED WITHIN THE BOUNDARIES OF THE CITY OF
HORSESHOE BAY; PROVIDING DEFINITIONS; PROVIDING
CONDITIONS PREREQUISITE FOR APPROVAL; PROVIDING
LOCATION FOR FILING APPLICATIONS FOR APPROVALS;
PROVIDING APPROVAL AUTHORITY FOR THE CITY COUNCIL;
PROVIDING APPROVAL TIMETABLES; PROVIDING FOR FEES AND
EXPENSE REIMBURSEMENT TO THE CITY OF HORSESHOE BAY;
PROVIDING OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND
PROVIDING FOR CERTAIN RELATED MATTERS.**

WHEREAS, Chapter 212, Texas Local Government Code, permits the adoption of rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals or general welfare of the municipality and the safe, orderly and healthful development of the municipality;

WHEREAS, Chapter 212, Texas Local Government Code, requires that in the absence of a municipal planning commission, the City Council for the City of Horseshoe Bay shall be responsible for approving plats required to be prepared that satisfies all applicable regulations;

WHEREAS, Chapter 212, Texas Local Government Code, requires that a person desiring approval of a plat must apply to and file a copy of the plat with the City Council for the City of Horseshoe Bay; and

WHEREAS, the City Council has determined that as of September 20, 2005, the Subdivisions listed on Exhibit A, a part hereof for all purposes, based upon the plats, deed restrictions, covenants and other documentation submitted and accepted by the City Council as of this date appear to conform to the general plan of the municipality and its general plan for its extension at this point in time, until further review by the City Council.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
HORSESHOE BAY, TEXAS, THAT:**

I. DEFINITIONS

The following words, terms and phrases, when used in the Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word “shall” is always mandatory. The word “herein” means in this Ordinance. The word “regulations” means the provisions of any applicable ordinance, rule, regulation or policy.

Applicant means the owner of real property within the boundaries of the City of Horseshoe Bay that is seeking approval of the City Council of a Plat.

Application for Plat Approval means both the procedure that must be followed by an Applicant as promulgated herein and the form that must be completed by the Applicant and submitted as provided for herein that will be created by the City Council and supplied to Applicant.

City means the City of Horseshoe Bay.

City Council means the City Council for the City of Horseshoe Bay, its governing body.

Existing Subdivision means those subdivisions identified on Exhibit A.

Plat means a plat, a replat, an amended plat, an abandoned plat or a vacated plat as such terms are used in Chapter 212, Texas Local Government Code.

Prerequisite Requirements means the items set out in Section III herein that must be provided by an Applicant to the City Council as a part of the Application for Plat Approval.

II. PLAT REQUIRED

The owner of a tract of land located within the corporate limits of the City who divides the tract in two or more parts to lay out a subdivision of the tract, including an addition to the City, to lay out suburban, building, or other lots, or to lay out streets, alleys, squares parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract of sale or other executory contract to convey, or by using any other method. A division of land for which a plat is required does not include a division into parts greater than five acres, where each part has access and no public improvement is being dedicated.

III. APPLICATION FOR PLAT APPROVAL

An Applicant must file a completed Application Form provided by the City Council, accompanied by written proof that all prerequisite requirements have been met, to the City Council by delivery to

a location as identified by the City Council from time to time. The first such location shall be the Office of the Lake LBJ Municipal Utility District, One Community Drive, Horseshoe Bay, Texas.

IV. PREREQUISITE REQUIREMENTS.

Before an Application for Plat Approval will be considered by the City Council, the Applicant must provide written evidence that the following requirements have been met:

- (a) Publication of notice in a newspaper of local publication for three weeks, with final publication to appear no less than one week prior to the meeting at which the motion for replatting will be considered by the City Council and an Affidavit of Publication presented at the meeting when such request for plating is first heard;
- (b) A notice has been placed on the City's bulletin board for three weeks;
- (c) The existence of a plat or absence of an existing plat;
- (d) That a survey certified by a licensed surveyor identifying the proposed lot and block numbers, acreage of any lot or parcel, location and size of drainage structures and location of all easements and set backs has been prepared;
- (e) That the proposed action complies with any existing restrictive covenants;
- (f) That non point source pollution requirements are being complied with;
- (g) That the Llano County Department of Natural Resources has approved any on site sewage facility, or other matters within its jurisdiction, including the mark on any lot or parcel in the 100 year flood plain;.
- (h) Approval by the Llano County 911 Coordinator of any street ranges, street names and street addresses; and,
- (i) That the County Surveyor has approved all surveys.

V. PRELIMINARY APPROVAL

An Application for Plat Approval received by the City at least seven days prior to a regularly scheduled meeting will be put on the agenda for such meeting for consideration of Preliminary Approval. The Application and all accompanying documents will be reviewed at that meeting and the City Council shall either grant or deny the Preliminary Approval to the Application. If denied, the City Council shall use its best efforts to identify the basis for denial.

VI. FINAL APPROVAL

An Application that has received preliminary approval shall be deemed accepted for filing and be set on the agenda for final approval at a regularly scheduled meeting of the City Council within

thirty days of the date preliminary approval was granted. At that meeting, the Application shall be approved, denied or deferred. If no action is taken by the City Council within thirty days of the date that preliminary approval was granted, the Application shall be deemed approved.

VII. ISSUANCE OF CERTIFICATE

On the approval of a plat, the City shall issue the Applicant a certificate stating that the plat has been reviewed and approved by the City Council.

VIII. PAYMENT OF FILING FEES.

An Application for Plat Approval shall not be accepted for filing if it is not accompanied by cash, or a check or money order payable to the City in an amount set by the City Council. The initial amount of the filing fee is hereby set at \$100.00.

IX. RECORDING OF PLATS

It shall be unlawful for any individual to cause to be recorded any plat until the same shall have been approved by the City Council. All plats for the existing subdivisions recorded as of September 20, 2005 in the appropriate real property records of Llano County shall be deemed to have been approved by the City Council as they appear of record as of that date.

X. ENFORCEMENT

On behalf of the City, the City Attorney or other attorney may, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Ordinance with respect to any violation thereof which occurs within the City's jurisdiction. In addition to any other remedy provided by law, the City and its officers have the right to enjoin any violation of this Ordinance by any lawful procedure.

XI. SEVERABILITY

If any term, provision or section of this Ordinance, or the application of any provision to any Applicant or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

XII. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage.

XIII. OPEN MEETINGS

It is officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by Chapter 551 of the Texas Government Code.

ADOPTED AND APPROVED on this 20th day of December, 2005 by a vote of the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

/S/

Robert W. Lambert, Mayor

Attest:

/S/

Toni Vanderburg, City Secretary

EXHIBIT A

**Applehead
Applehead Island
Bay Country
Escondido
Horseshoe Bay
Horseshoe Bay West
Matern Island
Pecan Creek
Peninsula
Siena Creek
The Trails of Lake LBJ**